

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/2010 has been entered.

Response to Arguments

Applicant's arguments regarding claim 16 and the Sala in view of DeMonte rejection have been fully considered but they are not persuasive.

Applicant argues that there is insufficient motivation to combine the Sala and DeMonte references due to the fact that there is no need for transverse displacement in the Sala reference. The examiner respectfully disagrees and submits that DeMonte discloses instances where transverse displacement maybe necessary, especially in a system such as Sala. It is noted that screws are used for sturdy mounting in Sala. However, with the combination of DeMonte, it is respectfully submitted that DeMonte's structure would replace that of Sala in terms of being able to displace the lens relative to the image sensor in a transverse direction.

Claim Rejections - 35 USC § 112

Claims 16-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 16 recites both a “carrier plate” and “frame plate” both of which are not supported by the specification. Figures 2 and 3 both show a retaining frame and an optics carrier. However, it is not clear which portions represent the carrier plate and frame plate. It is noted that Figure 3 shows a bearing section that could broadly be construed as a frame plate, but it is not certain that this section be formed in the shape of a plate. The examiner suggests replacing frame plate and carrier plate with retaining frame and optics carrier, respectively, as was previously recited. For the purposes of art rejection, the rejections of record stand. However, the claim limitations have been given consideration and a search was performed. The examiner has cited two references readable on claim 16.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As to US 2002/0191103, Akimoto et al. teaches solid state imaging device having an optics carrier, a retaining frame, located between the optics carrier, and a solid-state imaging element. The retaining frame has a central opening through which incident light passes. Further, there exists a circuit board located beneath the solid-state imaging element (Figure 2). As to US # 6,236,430, Suzuki et al. teaches a digital camera having a retaining frame which displaces a CCD in a transverse direction until a target position is reached (see Figures 1,2 and 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony J Daniels/
Examiner, Art Unit 2622

6/5/2010